

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

9 ANDREW J. HILFORD,)
10 Petitioner,) 3:11-cv-00228-ECR-RAM
11 vs.)
12 E.K. McDANIELS, et al.,) ORDER
13 Respondents.)
14 /

15 This matter is before the Court on respondents' motion to dismiss. Petitioner has not
16 opposed the motion, as he previously failed to respond to the Court's order to show cause. *See* ECF No.
17 11. The motion to dismiss is based on the argument that petitioner failed to properly exhaust a part of
18 the single remaining claim raised in the petition. The Court can only conclude that petitioner has
19 abandoned these proceedings and, pursuant to LR 7-2(b) and *Rose v. Lundy*, 455 U.S. 509 (1982), will
20 grant the motion to dismiss the petition.

Moreover, no certificate of appealability shall issue where petitioner has failed to raise a claim that's merit would be debatable among reasonable jurists. *Miller-El v. Cockrell*, 537 U.S. 322 (2003), *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

1 **IT IS FURTHER ORDERED** that no Certificate of Appelability shall issue. The Clerk
2 shall enter judgment accordingly.

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4 Dated this 27th day of February, 2012.

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UNITED STATES DISTRICT JUDGE